

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY LEE BEAVERS,

Plaintiff,

v.

OFFICER HOSEY,

Defendant.

Case No. 1:21-cv-00650-HBK (PC)

ORDER SETTING SETTLEMENT  
CONFERENCE

**Settlement Statements due: July 21, 2025**

**Settlement Conference: August 4, 2025, at  
10:00 AM**

Clerk of the Court to Serve Litigation Coordinator

Plaintiff Gary Lee Beavers is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. In light of the parties' mutual representation that a settlement conference before the Court would be productive (*see* Doc. 58), the case has been referred to Magistrate Judge Christopher D. Baker to conduct a **settlement conference on August 4, 2025, at 10:00 a.m.** (Doc. 59). The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary writ in due course. The Zoom settlement conference invitation will be distributed by the Court to the parties the week prior to the conference date.<sup>1</sup> The Court has reserved the entire day for this

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<sup>1</sup> Any difficulties concerning Zoom video conference, or connecting to the Zoom video conference, shall immediately be reported to Cori Boren, Courtroom Deputy for Judge Baker, at CBoren@caed.uscourts.gov.

1 settlement conference and expects the parties will proceed with the settlement conference in good  
2 faith and attempt to resolve all or part of the case. If any party believes that the settlement  
3 conference will not be productive, that party shall so inform the court no less than three (3) days in  
4 advance of the settlement conference.

5 Unless otherwise permitted in advance by the Court, the following individuals must attend  
6 the settlement conference: (1) all of the attorney(s) who will try the case; and (2) individuals with  
7 full authority to negotiate and settle the case, on any terms. *See* Local Rule 270(f).

8 The parties shall engage in informal settlement negotiations as follows:

9 (a) No later than **June 27, 2025**, Plaintiff shall submit to Defendant, by mail, a  
10 written itemization of damages and a meaningful settlement demand, including a brief  
11 explanation of why such settlement is appropriate, which shall not exceed five (5) pages.

12 (b) No later than **July 8, 2025**, Defendant shall respond, by mail or telephone, with  
13 an acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief explanation  
14 of why such settlement is appropriate. If settlement is achieved, the parties shall file a Notice  
15 of Settlement as required by Local Rule 160

16 If settlement is not achieved informally, **no later than July 21, 2025**, each party must  
17 submit to Judge Baker's chambers at [CDBorders@caed.uscourts.gov](mailto:CDBorders@caed.uscourts.gov) a confidential settlement  
18 conference statement. Plaintiff shall mail his statement, clearly captioned "Confidential Settlement  
19 Conference Statement," to United States District Court, Attn: Magistrate Judge Christopher D.  
20 Baker, 510 19th Street, Suite 200, Bakersfield, CA 93301. Once the parties have submitted their  
21 statements, they shall file a "Notice of Submission of Confidential Settlement Conference  
22 Statement" with the Court. These statements should neither be filed on the docket nor served on  
23 any other party.

24 In compliance with Local Rule 270(d)-(e), the settlement statements will be used  
25 exclusively by Judge Baker to prepare for and conduct the settlement conference and not for any  
26 other purpose. If applicable, the statements should be marked "CONFIDENTIAL." *See* Local  
27 Rule 270(d).

28 The statements should not exceed ten (10) pages and must include:

1 (1) a brief recitation of the facts;

2 (2) a discussion of the strengths and weaknesses of the case, including the party's position  
3 on the factual and legal issues and brief review of the evidence to support that party's factual  
4 position;

5 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial  
6 matters, in specific dollar terms;

7 (4) the party's best estimate of the probability that it will prevail should this case proceed  
8 to trial;

9 (5) the party's best estimate of the damages or relief plaintiff may recover should this case  
10 proceed to trial and plaintiff prevail (in specific dollar terms and/or injunctive relief, if applicable);

11 (6) a history of settlement discussions (including a listing of any current settlement offers  
12 from any party, in specific dollar terms), a candid statement of the party's current position on  
13 settlement, including **the amount that it will give/accept to settle** (in specific dollar terms), and a  
14 statement of the party's expectations for settlement discussions;

15 (7) a list of the individuals who will be attending the settlement on the party's behalf,  
16 including names and, if appropriate, titles.

17 At the outset of the settlement conference, the undersigned may call upon the parties'  
18 counsel and the party representatives to briefly discuss their expectations for the conference and  
19 other matters of mutual interest before the parties break into separate caucuses.

20 Notwithstanding the provisions of Federal Rule of Evidence 408, all statements made by  
21 the parties relating to the substance or merits of the case, whether written or oral, made for the first  
22 time during the settlement conference will be deemed to be confidential and shall not be admissible  
23 in evidence for any reason in the trial of the case, should the case not settle. This provision does  
24 not preclude admissibility in other contexts, such as pertaining to a motion for sanctions regarding  
25 the settlement conference.

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1 The Clerk of the Court is directed to additionally serve a courtesy copy of this Order via  
2 email on the Litigation Coordinator at Plaintiff's current facility and to mark docket entry number  
3 57 as resolved by this order.

4 IT IS SO ORDERED.

5 Dated: June 13, 2025

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UNITED STATES MAGISTRATE JUDGE